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LOVEGROVE *v.* LOVEGROVE.

Nov. 18, 1920.

[104 S. E. 804.]

1. Divorce (§ 242*)—Specific Portion of Husband's Real Estate Cannot Ordinarily Be Awarded as Alimony.—In absence of express statutory authority, the court ordinarily possesses no power to vest in a wife title to a specific portion of the husband's real estate as alimony.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 300.]

2. Divorce (§ 240 (4)*)—Alimony of \$30 a Month Held Sufficient.—An alimony allowance of \$30 a month against the husband, whose property did not exceed \$5,000, and with an earning capacity of \$2.50 per day, held sufficient to a wife in the prime of life with five grown children, where the only alternative would be to dispossess the husband of his house, especially as Code 1919, § 5111, provides that an alimony decree may be revised from time to time.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 300.]

3. Divorce (§ 235, 286*)—Exercise of Trial Court's Discretion Regarding Alimony Not Ordinarily Disturbed.—Ordinarily the trial court has a broad discretion in fixing the amount of alimony, and the appellate courts will not interfere with such discretion, unless injustice has clearly been done.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 299.]

Appeal from Circuit Court, Rockbridge County.

Divorce suit by A. J. Lovegrove against Ella E. Lovegrove. From that portion of the divorce decree awarding alimony, the wife appeals. Affirmed.

Hugh A. White, of Lexington, for appellant.

Wallace Ruff, of Lexington, for appellee.

VIRGINIA COAL & IRON CO. *v.* RICHMOND.

Sept. 16, 1920.

[104 S. E. 805.]

1. Partition (§ 5*)—Parol Partition a Nullity Where Not Followed by Deeds.—A parol partition by three parties each owning an undivided one-third interest in the land was a nullity where no deeds were made; the parties not being coparceners.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 771, et seq.]

2. Deeds (§ 41*)—Description Made Certain by Reference to Another Deed.—A deed conveying a one-third interest in a tract, re-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.